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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,116	01/12/2001	Brian T. Jordan	IP105.1	7316

23470 7590 06/16/2003

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[REDACTED] EXAMINER

MCANULTY, TIMOTHY P

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3682

DATE MAILED: 06/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	09/681,116	JORDAN, BRIAN T.
	Examiner	Art Unit
	Timothy P McAnulty	3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 May 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ancarani Restelli.

Ancarani Restelli discloses in he Figure, lines 12-33 of column 1, and in lines 29-35 of column 3 a gear shifting system for a bicycle transmission which operates in three modes, a manual mode, an automatic mode, and a programming mode wherein control of the transmission comprises actuating a controller 11 to enter the programming mode in which a rider manually shifts the bicycle transmission through selected gears; storing bicycle speeds for the selected gears associated with the manual shifts; the controller defining speed ranges for the selected gears; automatically shifting the bicycle transmission when operating in the automatic mode by measuring a current bicycle speed; determining a current gear of the bicycle transmission; comparing the current bicycle speed with a defined speed range for the current gear; and shifting the bicycle transmission from the current gear to another gear when the bicycle speed is outside the defined speed range for the current gear. The gear shift system in addition to the controller comprises a wheel speed input sensor 12; a gear control output 17,18; a display 23 which Ancarani Restelli further discloses in lines 33-45 of column 2, displays at least the current bicycle speed as well as the current gear ratio; a mode selector; a shifter; and a memory 30 on which a computer program is recorded.

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Ancarani Restelli discloses the basic apparatus except for automatically shifting the bicycle transmission when operating in the automatic mode by using only bicycle speed. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate parameters other than bicycle speed for bicycle transmission shifting, since omission of an element and its function where not needed is obvious to one of ordinary skill in the art. *Ex parte Rainu*, 168 USPQ 375 (PTO Bd. of App. 1969). Subject matter is not patentable in absence of showing unexpected result[s] flowing from such omission. *In re Wilson*, 153 USPQ 740 (CCPA 1967).

Regarding claims 5,12, and 27, shifting the bicycle transmission into the lowest gear upon actuation of the setting mode would be inherent so that all of the gears of the bicycle transmission will be manually selected during the setting mode thus ensuring a speed range is defined for all selectable gears.

Response to Arguments

3. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection. Ancarani Restelli does not consider pedaling cadence as a goal or criterion for automatic shifting control of a bicycle.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy P McAnulty whose telephone number is 703.308.8684. The examiner can normally be reached on Monday-Friday (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703.308.3668. The fax phone numbers for the

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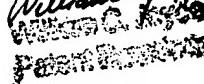
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organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.1113.

tpm 
June 12, 2003

William Joyce 6/13/03

WILLIAM C. JOYCE
Patent Examiner

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